

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Aubrey Thomas McBride**
Docket No. **257032**
L.C. No. **03-002413-FH**

E. Thomas Fitzgerald, Judge, acting under MCR 7.211(E)(2), orders:

The motion to extend time to file appellant's brief is DENIED. Counsel's past completed obligations do not constitute good cause for an extension. Further, counsel delayed in filing the motion for two months after the brief was due, rather than seeking a timely extension under MCR 7.212(A)(1)(a)(iii), which routinely results in extensions for up to 56 days. See IOP 7.212(A)(1)-2. Counsel has repeated this mode of operation many times, including in 257036, *People v Melton*; 254587, *People v Pillette*; and 253408, *People v Palmer*.

In addition, counsel failed to file this motion or the brief by the deadline set in the March 16, 2005, involuntary dismissal warning letter. As a result, Helen Nieuwenhuis (P 41672), appointed counsel for appellant, shall pay to the Clerk of this Court, within 21 days of the certification of this order, court costs in the sum of \$250 for failing to file the document within the time allotted. Such costs are personal to the attorney and shall not be charged back to the client, the County or the State.

Counsel shall file appellant's brief within seven days of the certification of this order or the Clerk's office is directed to place this matter on the involuntary dismissal docket for remand to the trial court for the appointment of substitute counsel. The Clerk's Office is further directed to docket the brief as untimely filed.



A true copy entered and certified by ~~Sandra Schultz Mengel~~, Chief Clerk, on

April 20, 2005
Date

Sandra Schultz Mengel
Chief Clerk